

UNITED STATES DISTRICT COURT
PROBATION OFFICE
DISTRICT OF NEW JERSEY

CHRISTOPHER MALONEY
CHIEF PROBATION OFFICER

THOMAS S. LARSON
SUPERVISING U.S. PROBATION OFFICER

October 27, 2010

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Honorable Katharine S. Hayden
United States District Court
Post Office Box 999
Newark, NJ 07101-0999

RE: SERNA, Carlos
Dkt. No. Cr. 03-584-02
**NOTIFICATION OF NEW ARREST AND REQUEST
FOR DENIAL OF TRAVEL**

Dear Judge Hayden:

On October 21, 2004, the above referenced was sentenced by Your Honor to forty-six months imprisonment to be followed by five years of supervised release for the offense of Conspiracy to Distribute Narcotics (Heroin) in violation of 21 U.S.C. § 846. The special conditions imposed at sentencing were financial disclosure, \$1000 fine, and \$100 special assessment, all of which have been satisfied.

The purpose of this letter is to report that Serna has violated the conditions of his supervision. Specifically, on October 27, 2010, he was charged by the Department of Veterans Affairs in the Southern District of New York with Assault by Striking in violation of 18 U.S.C. 113 (4) and Disorderly Conduct in violation of C.F.R. 1.218(A)5. Serna was involved in an altercation with another man, which resulted in both receiving medical treatment for head lacerations. The other man involved in this altercation, Andres Bethancourth, was also charged with Assault by Striking and Disorderly Conduct. There is an initial appearance court hearing scheduled for November 30, 2010 before Magistrate Judge Martin Goldberg in the Southern District of New York. We will continue to monitor the status/disposition of these new charges for which a violation may be initiated in the near future.

On October 18, 2010, Your Honor signed an Order permitting Serna to obtain his passport and leave the District of New Jersey for vacation to Colombia from December 3, 2010 until January 15, 2011, which is enclosed with this letter. In light of the above mentioned conduct and violation status, it is respectfully recommended that Your Honor reconsider your previous decision to allow Serna to obtain his passport and travel to Colombia. It should be noted that Serna has dual citizenship in the United States and Colombia and has possession of his Colombian passport.

Please sign the attached Order indicating your decision. As always, we make ourselves available should the Court wish to discuss this matter. The undersigned officer may be contacted at (973) 357-4089.

Respectfully submitted,

CHRISTOPHER MALONEY, Chief
U.S. Probation Officer



By: Dana Hafner
U.S. Probation Officer

/dh
Enclosure(s)

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THE COURT ORDERS:

- ☒ Offender is *not* permitted to obtain his United States Passport or travel to Colombia on December 3, 2010 as previously ordered on October 18, 2010, *And order #53 on the docket is vacated*
- ☐ Offender is permitted to obtain his United States Passport and travel to Colombia on December 3, 2010 as ordered on October 18, 2010
- ☐ Other _____



United States District Judge

Date

11/3/10